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Request for the inclusion of an additional item in the agenda of the fifty-third session

Observer status for the International Union for the Conservation of Nature and Natural Resources in the General Assembly

Letter dated 26 October 1998 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-third session of the General Assembly of an additional item of an important and urgent character entitled "Granting of observer status for the International Union for the Conservation of Nature and Natural Resources in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (see annex I) and the corresponding draft resolution (see annex II) are attached to this request.

I should be grateful if the item could be allocated to the plenary Assembly.

(*Signed*) Cristina **Aguiar**
Ambassador and
Permanent Representative

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Annex I

Explanatory memorandum

[Original: English]

International Union for the Conservation of Nature and Natural Resources

The World Conservation Union, whose formal name is the International Union for the Conservation of Nature and Natural Resources, was founded in 1948 at a conference convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO), and France in Fontainbleau, France. The Conference, called at the request of the second General Conference of UNESCO, which had met in 1947 in Mexico, considered the recommendations of a preparatory conference held in Switzerland by 23 States, the United Nations Trusteeship Council, UNESCO, the Food and Agriculture Organization of the United Nations (FAO) and several scientific societies, such as the International Union of Biological Sciences, the Swiss League for the Protection of Nature and other non-governmental organizations. The preparatory conference had reactivated recommendations made by 17 States at a diplomatic conference, held in 1913, that had called for establishment of an international commission for the conservation of nature. Two world wars interrupted the efforts to create such a body. Fifty years ago (30 September–7 October 1948), the States parties to the Conference established IUCN with a unique constitution.

IUCN, from its inception, was created as a union of States, governmental ministries responsible for conservation and non-governmental organizations. The IUCN statutes were adopted, and they provided that States were to become members of IUCN by adhering to the statutes. Governmental agencies could become members, as could non-governmental organizations, if the Governing Council of IUCN admitted them to membership. The reason for this tripartite system was that, in 1948, most experts in the fields of conservation and sustainable use of natural resources were not employed by States, but rather were in academic institutions, wildlife, forestry and park agencies, and non-governmental organizations. If IUCN was to do any conservation work for and with its State members, it needed to involve those experts. The States also provided that IUCN should work through specialized commissions of experts, of which there are currently six.

Today, the 74 States members of IUCN determine its policies and programmes by voting in a bicameral process in the World Conservation Congress, which is the Union's general assembly and highest organ. The government agencies must vote within their State delegation, and the non-governmental members vote in a separate chamber. IUCN has members in and works in over 138 countries. Its Council has representatives from all over the world, and it has offices in all regions, as well as a headquarters in Gland, Switzerland. The Union's organs are autonomous in the sense that no State controls them, but all States members participate in the direction of the Union. Its programme includes projects that no single State, acting alone, could undertake, projects aimed at fulfilling the Union's statutory objective: "to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable".

States have assigned responsibilities to IUCN in a number of international agreements, including four major multilateral environmental conventions. IUCN has entered into formal agreements to cooperate with international agencies such as the United Nations Development Programme and the United Nations Environment Programme. IUCN has organizational immunity agreements with many States in which it holds meetings and operates offices around the world. IUCN has a special relationship with Switzerland, adopting Swiss law

for its business operations, and the associations provisions of article 60 of the Swiss Civil Code provide a juridical framework within which the non-governmental and State government agency members may become members of IUCN, since they lack capacity to adhere to an international agreement. In addition to the 74 States members of IUCN, there are currently 107 governmental agency members and 679 non-governmental organizations members. The Union's fastest growth has been in developing nations, where most of its non-governmental organizations members are based.

In light of this constitution, it is evident that IUCN has developed as a *sui generis* international organization. Its statutes and regulations, and rules of procedure for the World Conservation Congress, constitute a sort of *lex specialis* in international law.

Since the holding of the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, all States have accorded high importance to issues of sustainable development. IUCN was instrumental in introducing the concept of sustainable development in international policy in the 1970s and 1980s, and saw its work endorsed in the report of the World Commission on Environment and Development, and ultimately incorporated by the United Nations Conference on Environment and Development into Agenda 21. IUCN, by having established a unique framework in which States, government agencies and non-governmental organizations can all cooperate together for sustainable development, had a vision in 1948 which is all the more relevant in 1998. It is the kind of partnership that Agenda 21 called for.

The World Conservation Congress, the Union's highest organ of governance, revised the IUCN statutes of 1948 on 22 October 1996 at its meetings in Montreal, following a three-year period of consultation and deliberation. The revised statutes were adopted by the unanimous consent of all IUCN States members and non-governmental organizations members. Part I, article 1, of the statutes provides as follows:

> "The International Union for the Conservation of Nature and Natural Resources (IUCN) (also known as The World Conservation Union) is constituted in accordance with article 60 of the Swiss Civil Code as an international association of governmental and non-governmental members. Therefore, it has legal personality and may perform any act in accordance with its objectives."

The objectives of IUCN were also revised and restated in part II, article 2, as follows:

> "The objectives of IUCN shall be to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable."

At the IUCN World Conservation Congress in 1996, IUCN members mandated its Council to examine how to strengthen IUCN collaboration with the United Nations (IUCN resolution 1.80). In April 1998, the IUCN Council decided to propose that the General Assembly consider according it observer status. The challenges that the General Assembly and the entire United Nations system face in attaining sustainable development can be immeasurably enhanced by integrating the work of IUCN more closely with that of the United Nations.

Now in its fiftieth year, IUCN, whose States members and government agency members work in cooperation with its non-governmental organizations members, provides expertise and services to further the equitable and ecologically sustainable use of natural resources at global, regional, national and local levels.

Annex II

Draft resolution

[Original: English and Spanish]

Observer status for the International Union for the Conservation of Nature and Natural Resources in the General Assembly

The General Assembly,

Considering the importance of the International Union for the Conservation of Nature and Natural Resources, an international organization of governmental and non-governmental members, dedicated to promoting and conserving equitable use of natural resources, with a membership of seventy-four States,

Considering also the need, frequently noted by the United Nations, to promote and support every effort towards the conservation of nature through equitable and ecologically sustainable use of natural resources,

Taking into account that the main objective of the International Union for the Conservation of Nature and Natural Resources is to influence, encourage and assist the international community to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable,

Wishing to promote cooperation between the United Nations and the International Union for the Conservation of Nature and Natural Resources,

1. *Decides* to invite the International Union for the Conservation of Nature and Natural Resources to participate in the sessions and work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.